



**INFORMATION
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RAPPORTEUR'S CLOSING REMARKS – MALCOLM CROMPTON
INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY
COMMISSIONERS

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Among those sitting at this panel, the one thing I can uniquely say is that only somebody who has organised one of these conferences knows how hard it is to do.

The effort that has been put into running a conference like this by Mrs Madhub and her team has been astounding and I just want to add my thanks and praise.

In fact I want to return to the Conference theme: the actual words of the conference theme as she gave them to us at the beginning of the conference:

“A world order for data protection: our dream coming true”

I love the way she used the word “coming” rather than “come”.

And the theme that I want to draw out of the last couple of days is the one about cooperation between privacy regulators and what a multi-faceted jewel that is.

I am going to preface my remarks with this: that as a privacy regulator the only thing that matters is whether you have made a positive improvement to the privacy of individuals even if they haven't heard of you. We must come back to that.

But of course that must be done in a way that is Ethical AND Effective AND Efficient. And of course lawful.

But we also need as privacy regulators to be doing it in a way that encourages innovation so that we can all benefit from the wonderful opportunities that are in front of us, whether it is mobile phone telephony data for controlling and understanding the Ebola virus or safer highways or all of the other things we are talking about, we must remember that.

But our host also reminded us of one other thing in her opening remarks and that was this. She quoted Winston Churchill:

“You will never reach your destination if you throw stones at every dog that barks.”

I do wonder if sometimes we are doing that.

That led me to look at the history of recent conferences. We can find online at www.privacyconference2013.org the history of all the conferences we have ever attended and the resolutions that have been adopted by the conferences since the start of the millennium. I counted about 70 resolutions in that time of which roughly 25 relate to organising ourselves one way or another.

That's a very high ratio. We've been trying to do this for a very long time.

It certainly reinforces our host's point.

I also want to look at some of the facts of life of being a data protection regulator and in particular some of the things we heard about in the Conference here.

First of all, an ever increasing proportion of data is flowing across borders and the management of that data involves more than one jurisdiction.

There is so much more of this to happen. So when I was convenor of the Conference in 2003 you could see that this would happen but nobody was really very interested in talking about it.

Now it is happening and we are talking about it.

But wait. There is more to come.

Here we heard of the other great challenges: surveillance, the cloud, Big Data analytics, Internet of Things and more.

Another fact of life: Data Protection Commissioners have very limited resources, some of them extraordinarily limited resources and reducing, set against this incredibly complex, expanding environment.

So in order to make the difference that we must make as data protection regulators we have to think of the combination of the laws as they ought to be and how we can give effect to them through enforcement and other forms of ensuring compliance using those limited resources.

So against that context, I look at the steps we have already taken for collaboration leading up to today including:

- GPEN which in turn is the product of the OECD Recommendation on Cross Border Cooperation in the Enforcement of Privacy Laws;
- the Association of African Francophone Data Protection Authorities about which we heard yesterday;
- the Ibero-American Data Protection Conference;
- the Asia Pacific Privacy Authorities (which in my day we called PANZA because we were so much smaller then: the Privacy Agencies of New Zealand and Australia);
- the APEC Cross Border Privacy Enforcement Arrangement;
- and so many more.

But there is in this age one more group which we didn't mention at this Conference and that's us "old fogeys": the former regulators. There are I think five people in this Conference today who have been regulators in the past and there are probably a couple more.

They are one way or another a fount of knowledge, wisdom, available resource, energy; they have got insight and can be mentors. There is a number of ways in which “been there; done that” can be incredibly helpful to the people who are just starting out or have something they really want to think about.

And we are going to be joined in the alumni of former regulators by one of the most astounding of those regulators: Peter Hustinx.

I became Privacy Commissioner in 1999 and Peter was already a veteran as a regulator at that time. He has probably got more of the accumulated wisdom of the privacy regulators than anybody else on the planet.

We owe him a great debt of gratitude.

Thank you very much Peter.

By the way, Richard Thomas, one of the former regulators who is not here has created a little database of all of the former regulators that we can find.

But there is so much more to do.

And hence today the Global Cross Border Enforcement Cooperation Arrangement.

This has the potential – the potential – to be a huge step forward. It has wide eligibility criteria as specified in the detailed document including:

- the accredited members of this conference;
- the enforcement authorities from any government which has signed up to European Convention 108;
- any member of GPEN;
- a participant in the APEC Cross Border Privacy Enhancement Arrangement; or
- a member of the European Union Article 29 Working Party.

But I would have to say if we want to collaborate effectively we need to think more widely and at this conference we heard a lot about that. In particular, think about those who are regulators who have a very significant impact on the privacy of the people on this planet who are not attending this Conference as data protection regulators but who nevertheless take their privacy responsibilities very seriously. Some of them are telecommunications regulators and banking regulators.

They may have a different interpretation but they are often taking privacy very seriously.

Then think of the various professions that are so important to us. We heard earlier today from Dr Mukesh Haikerwal Chair of the Council of the World Medical Association and the medical professionals who have so much in their personal, internal governance frameworks for how they handle privacy and confidentiality of individuals’ incredibly sensitive personal information.

Think of the accounting profession. Just imagine when the accounting profession does, as it will do, declare that information has to be brought to account on the balance sheet as an asset. Many, many large organisations will find that the largest asset on their balance sheet is information. The revolution that it will cause to the management of information assets will be profound.

Security professionals; the International Association of Privacy Professionals; there are many more.

And then think of the creators of other kinds of frameworks. Again, we heard about this at the Conference.

Especially standards.

We heard about ISO 27018 which claims to be the first ISO born in the Cloud but there is much more to come. There is a form of inter-operability that may well work very well for us.

And it provides the potential for compliance and enforcement that do not involve those scarce resources of the privacy regulators.

Yes there are challenges and we saw them at this Conference. For example:

- The discussion on One Stop Shop opened my eyes to some of the incredible complexities in Europe on dealing with some of these issues.
- The regulators Do's and Must Do's for Enforcement was another session where we heard about these issues and some quite creative interpretations of the law that people were using as data protection authorities to do what they should do.

But now I repeat is the time to act. I go back to the words of Lao Tzu from two thousand five hundred years ago:

“A journey of a thousand miles begins with a single step.”

So my vision is this:

At the end of the Fortieth International Conference of Data Protection and Privacy Commissioners in 2018 the newest Commissioner, the one who has still not yet joined us, comes out at the end of the second day and says to one of the Conference veterans “I can see this all works in practice. I wonder if it works in theory”: because we have to practice; learning by doing.

And if that happens, I believe it will then be a world order for data protection that will be a dream come true.

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